Petition to adopt, amend, or repeal a regulation pursuant to Pub. Util. Code § 1708.5	P.21-10-003 (Filed October 7, 2021)

**RESPONSE OF THE GREENLINING INSTITUTE
TO THE PETITION OF THE PUBLIC ADVOCATES OFFICE FOR A RULEMAKING
TO AMEND GENERAL ORDER 133-D TO ESTABLISH MINIMUM SERVICE
QUALITY STANDARDS FOR ALL ESSENTIAL COMMUNICATIONS SERVICES**

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I. INTRODUCTION

Pursuant to rule 6.3 of the California Public Utilities Commission's ("Commission") Rules of Practice and Procedure, The Greenlining Institute ("Greenlining") submits this response in strong support of the Public Advocates Office's (PAO) Petition to adopt, amend, or repeal a regulation pursuant to Pub. Util. Code § 1708.5 ("Petition"), filed on October 7, 2021. Greenlining supports the PAO's petition because service quality standards for broadband are necessary to protect the public interest in having reliable and quality essential communication services. This is increasingly necessary as natural disasters like wildfires, and the pandemic driven shift to remote work and education makes reliable connectivity a critical public need.

II. DISCUSSION

A. Service Quality Standards and Communications Reliability are Necessary to Ensure Effective Responses to Natural Disasters and for Economic Opportunity.

As the PAO notes,[1] Californians urgently need reliable wireless and broadband communication services this is true whether that reliability is for students or job seekers who need good internet to participate in the classroom or to come through clear in their video job interviews or if it's for firefighters to combat the increasingly frequent wildfires in our state.[2] For example, in Puerto Rico Japan, the government's provision of free and reliable internet in the wake of a disaster allowed the government to share information broadly, reducing public

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[1] Petition at 14.

[2] ArsTechnica, "Verizon throttled fire department's "unlimited" data during Calif. Wildfire" (2018), https://arstechnica.com/tech-policy/2018/08/verizon-throttled-fire-departments-unlimited-data-during-calif-wildfire/

uncertainty and panic.[3] In other studies, discussing next generation disaster monitoring sensors they noted that internet of things sensors that are used for disaster prevention and monitoring need reliable data transmission to function effectively.[4]

In terms of economic opportunity, an estimated 86% of employers are conducing virtual interviews during the pandemic and trends indicate that this practice is here to stay.[5] Latency and jitter during key moments like an interview, presentation, during class or over a critical call can be an annoyance but can also mean missing out on key opportunities. Poor service quality, particularly if it happens on a consistent basis can seriously impact the ability to do work and school. Furthermore, from a consumer protection standpoint, the findings that most surveyed Internet providers fail to provide advertised download speeds is worrisome and tracking this data can be helpful for consumers and other stakeholders.[6] For example, understanding where actual internet speeds are consistently lower than advertised ones can impact key decisions such as where to locate new infrastructure such as middle-mile, or it can help identify disinvestment and digital redlining in California communities.

B.   **Service Quality Reporting and Standards Can Identify and Prevent Digital Redlining.**

Redlining is the now-illegal practice of denying service based on race. Digital redlining, is a newer iteration of this practice where internet service providers, when deciding how and

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[3] Susilo, Daniel, et al. "Managing uncertainty during disaster: Case on typhoon hagibis japan." *IOP Conference Series: Earth and Environmental Science*. Vol. 519. No. 1. IOP Publishing, 2020. https://iopscience.iop.org/article/10.1088/1755-1315/519/1/012015
[4] Chen, Dan, et al. "Natural disaster monitoring with wireless sensor networks: A case study of data-intensive applications upon low-cost scalable systems." *Mobile Networks and Applications* 18.5 (2013): 651-663. https://link.springer.com/article/10.1007/s11036-013-0456-9,
[5] Gartner, "Gartner HR Survey Shows 86% of Organizations Are Conducting Virtual Interviews to Hire Candidates During Coronavirus Pandemic", Gartner (2020), https://www.gartner.com/en/newsroom/press-releases/2020-04-30-gartner-hr-survey-shows-86--of-organizations-are-cond.
[6] Petition at 19.

where to invest in their networks, focus on wealthier, often whiter, communities at the expense of communities of color and other low-income neighborhoods.[7] Studies show digital redlining has occurred in places like Los Angeles,[8] Oakland, and Cleveland,[9] and in fact is occurring across California.[10] The Commission recognized the seriousness of this issue in its May ruling investigating the practice of digital redlining.[11] Collecting service quality data, particularly on broadband services, can help the Commission identify digital redlining and whether Internet Service Providers (ISPs) are serving all communities or neighborhoods within their service or franchise areas with the same levels of quality as wealthier communities. The Commission's network exam of AT&T and Frontier found that wireline service quality is worse in low-income neighborhoods where carriers do not compete.[12] In this way, establishing service quality standards and reporting requirements for broadband, VoIP and wireless services can promote ISP accountability, discourage digital redlining, and help ensure that all Californians have a consistent and reliable communications network.

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[7] Shara Tibken, "The broadband gap's dirty secret: Redlining still exists in digital form", CNET, (2021) https://www.cnet.com/features/the-broadband-gaps-dirty-secret-redlining-still-exists-in-digital-form/.

[8] Galperin, Hernan, Thai V. Le, and Kurt Daum. "Who gets access to fast broadband? Evidence from Los Angeles County." *Government Information Quarterly* (2021): 101594.

[9] NDIA, "AT&T's Digital Redlining of Cleveland" NDIA (2017), https://www.digitalinclusion.org/blog/2017/03/10/atts-digital-redlining-of-cleveland/.

[10] CWA, "AT&T's Digital Redlining Leaving Communities Behind for Profit", CWA (2021), https://cwa-union.org/sites/default/files/20201005attdigitalredlining.pdf; Vinhcent Le and Gissela Moya, "On the Wrong Side of the Digital Divide, The Greenlining Institute (2020), https://greenlining.org/publications/online-resources/2020/on-the-wrong-side-of-the-digital-divide/;

[11] R.20-09-001, Assigned Administrative Law Judge Ruling on Digital Redlining (filed May 28, 2021), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M385/K618/385618661.PDF

[12] CPUC, Examination of the Local Telecommunication Networks and Related Policies and Practices of AT&T California and Frontier California, CPUC (2019), https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/network-exam-documents/network-exam-report-april-2019-compressed.pdf.

III. CONCLUSION

Consistent and reliable communication services are essential to modern life, this is more evident in the wake of climate change and the pandemic driven shift to an increasingly online lifestyle. The Commission should open a rulemaking to establish minimum service quality standards for these services to ensure that we have a resilient communications network that can reliably support our economic and public safety needs.

Respectfully submitted,

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